

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

In Re:

FRADY, KELLY SCOTT
FRADY, TANYA CARRICK
PO BOX 1781
LEXINGTON, NC 27293

Debtor(s).

Case No. B-10-51653 C-7W

**MOTION TO ALLOW SETTLEMENT OF DISPUTE REGARDING
DEBTORS' CLAIM FOR PROPERTY EXEMPTIONS IN 17.54 ACRES ON
DOGWOOD ROAD, DENTON, DAVIDSON COUNTY, NORTH CAROLINA**

COMES NOW W. Joseph Burns, Attorney for Trustee, and states:

1. This case was filed under Chapter 7 of the Bankruptcy Code on August 29, 2010.
2. W. Joseph Burns is the duly qualified and acting Trustee.
3. Among the assets scheduled on the Debtors' petition is approximately 17.54 acres on Dogwood Road, Denton, Davidson County, North Carolina, valued at approximately \$60,000.00.
4. The Debtors attempted to exempt the equity in this property, but there was excess value. The Bank of North Carolina holds a deed of trust in the original amount of 115,000.00 against the 17.54 acres on Dogwood Road, 626 Lake Street (half owned by the Debtors and the other half owned by Ralph Carrick), and 603 West 2nd Avenue (owned by Ralph Carrick).
5. 626 Lake Street and 603 West 2nd Avenue have been listed for sale with a realtor for the past year, and no offers have been made.
6. When you prorate Bank of North Carolina's debt over the three properties, calculating the individual values, the equity in 17.54 acres on Dogwood Road is \$25,000.00 (based on the \$60,000.00 fair value). The male Debtor has a wild card exemption of approximately \$3,500.00 in the 17.54 acres.

7. The tax value of the 17.54 acres on Dogwood Road is \$98,670.00. Based upon the current depressed values of properties, and the problems involved in selling them, the Debtors and the Trustee have agreed to settle the excess value for the sum of \$10,000.00. The Debtors have tendered \$10,000.00 to the Trustee, subject to Court approval.

WHEREFORE, the undersigned prays that the Court allow the settlement of the dispute regarding the Debtors' claim for property exemptions in the 17.54 acres on Dogwood Road for the sum of \$10,000.00.

Dated: September 26, 2011

/s/W. Joseph Burns

W. Joseph Burns

Attorney for Trustee

N. C. State Bar No. 6062

P O Box 21433

Winston-Salem, NC 27120-1433

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CERTIFICATE OF SERVICE

This is to certify that a copy of the attached MOTION TO ALLOW SETTLEMENT OF DISPUTE REGARDING DEBTORS' CLAIM FOR PROPERTY EXEMPTIONS IN 17.54 ACRES ON DOGWOOD ROAD, DENTON, DAVIDSON COUNTY, NORTH CAROLINA in the above captioned case was duly served on the parties listed below by electronic means and/or by depositing said copy in the United States mail, first class, postage prepaid and addressed as follows:

MICHAEL D. WEST, ESQ.
U.S. BANKRUPTCY ADMINISTRATOR
P O BOX 1828
GREENSBORO NC 27402

KELLY FRADY
TANYA FRADY
PO BOX 1781
LEXINGTON, NC 27293

DONALD LOUIS COOMES, ESQ.
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ALAN B. P OWELL, ESQ.
ROBERSON HAWORTH AND REESE, P.L.L.C.
POST OFFICE BOX 1550
HIGH POINT, NC 27261

Dated: September 26, 2011

/s/W. Joseph Burns

W. Joseph Burns
State Bar No. 006062
Attorney for Trustee
P O Box 21433
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